

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Response Efforts Undertaken During 2017	)	PS Docket No. 17-344
Hurricane Season	)	

**REPLY COMMENTS OF VIYA**

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## TABLE OF CONTENTS

I.	INTRODUCTION AND SUMMARY .....	1
II.	COMMENTERS AGREE THAT THE COMMISSION DID AN EXEMPLARY JOB RESPONDING TO THE HURRICANES .....	2
III.	COMMENTERS AGREE THAT THERE ARE FURTHER ACTIONS THAT THE COMMISSION CAN TAKE TO BENEFIT FUTURE DISASTER RECOVERY AND MITIGATION EFFORTS.....	4
A.	Additional Funding is Needed for Disaster Recovery and to Harden Network Facilities in Disaster-Prone Insular Areas.....	5
B.	The Commission Should Maintain Its Flexible Approach With Respect to DIRS Reporting.....	7
C.	Commenters Agree That Additional Priority Should Be Given to Communications Restoration Efforts. ....	10
D.	Commenters Agree That Increased Interagency Coordination, Led by the Commission, Would Enhance Disaster Recovery Efforts. ....	11
E.	The Commission Should Emphasize and Focus Attention on the Readiness of PSAPs. ....	12
F.	The Commission Should Refrain from Adopting More Regulations That Would Burden Carriers During Times of Crisis.....	13
IV.	CONCLUSION .....	17

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Virgin Islands Telephone Corp. d/b/a Viya and its affiliated companies operating in the United States Virgin Islands (“USVI” or “Territory”) (collectively, “Viya”) submit these reply comments in response to the Public Notice issued by the Federal Communications Commission (“Commission”) in the above-referenced proceeding.<sup>1</sup>

**I. INTRODUCTION AND SUMMARY**

As discussed in its initial comments in this proceeding, Viya commends the Commission for its efficient, practical, and flexible approach to the 2017 hurricane season. The devastation wrought by Hurricanes Harvey, Irma, Maria, and Nate was unforeseeable, and of a unique level, particularly in isolated areas like the USVI. The record reveals two widely reached conclusions. First, the Commission did an exemplary job responding to the storms and was an exceptional partner to carriers in their restoration efforts. Second, there nevertheless are several additional actions that the Commission can take to assist carriers and the public following disasters.

In particular, the record shows that the Commission should:

- consider providing additional funding to small and insular high-cost markets for the hardening of network infrastructure against future storms;

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<sup>1</sup> *Public Safety and Homeland Security Bureau Seeks Comment on Response Efforts Undertaken During 2017 Hurricane Season*, Public Notice, 33 FCC Rcd 10245 (PSHSB 2017) (“Public Notice”).

- maintain a flexible approach to the implementation of the Disaster Information Reporting System (“DIRS”);
- address with other governmental stakeholders the development of a more systematic priority for the restoration of basic communications capabilities and critical infrastructure, to the extent it can do so;
- assert a more active leadership role among peer agencies at both the federal, state, and Territorial levels, to the extent feasible, in connection with disaster recovery matters that implicate the communications sector;
- emphasize and focus more attention on the disaster preparedness of public safety answering points (“PSAPs”); and
- refrain from adopting any regulations that would divert resources away from recovery during times of crisis.

Viya expands on each of these points below.

## **II. COMMENTERS AGREE THAT THE COMMISSION DID AN EXEMPLARY JOB RESPONDING TO THE HURRICANES**

Viya is not surprised that other commenters uniformly agreed with Viya that the Commission did an excellent job responding to the hurricanes. As the record shows, the Commission’s efforts were quick and comprehensive, making restoration efforts much less burdensome for carriers, which, in turn, benefitted of the affected areas and consumers.<sup>2</sup>

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<sup>2</sup> See, e.g., Comments of T-Mobile at 2, 5 (filed Jan. 22, 2018) (“T-Mobile Comments”) (stating that the “FCC aided industry by providing regulatory relief where necessary to facilitate service restoration and by providing information to the public regarding disaster recovery efforts”); Comments of Neptuno Networks at 8 (filed Jan. 22, 2018) (“Neptuno Comments”) (“Neptuno appreciates the active role that the Commission has played.”); Comments of Verizon at 7, 10 (filed Jan. 22, 2018) (“Verizon Comments”) (“Commission staff were available and active in their support of federal and state/local recovery efforts”); Comments of CTIA at 19 (filed Jan. 22, 2018) (“CTIA Comments”) (stating that the “Commission significantly aided wireless providers’ resiliency and recovery efforts”); Comments of Satellite Industry Association at 3 (filed Jan. 22, 2018) (“SIA Comments”) (stating that “Public Safety Bureau staff was readily available to answer questions and receive input”); Comments of City of Houston at 2 (filed Jan. 22, 2018) (“City of Houston Comments”) (noting that the FCC was “extremely responsive to the City’s needs”); Comments of Spectrum Financial Partners at 2 (filed Jan. 22, 2018) (“Spectrum Financial Comments”); Comments of Association of Public-Safety Communications Officials-

The Commission worked endlessly to facilitate recovery efforts, including activating DIRS; granting more than 200 requests for special temporary authority and issuing more than 30 public notices and orders; granting waivers of Universal Service Fund support rules; and deploying staff to the affected areas to support service restoration activities.<sup>3</sup> In some instances, the Commission granted special temporary authority “instantly.”<sup>4</sup>

Further, the Commission assisted in disseminating important information about fuel and electricity, and issued more than 85 communications status reporting detailing the impacts of the storms on network infrastructure.<sup>5</sup> As Verizon stated, the Commission should especially be commended for its “efforts to work constructively with the service providers directly affected ... to adapt the DIRS process to the unique circumstances of that disaster and ensure that public reports provided to industry, government and media stakeholders offer more relevant information.”<sup>6</sup> Similarly, Neptuno stated, “[i]n the critical days after the storm passed, the Commission’s Daily Communications Status Report provided vital information” to carriers

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International at 1, 2 (filed Jan. 22, 2018) (“APCO Comments”) (“Commission personnel were exceedingly versatile and knowledgeable, and went above and beyond their initial tasking to help.”); Comments of Viya at 12 (filed Jan. 22, 2018) (“Viya Comments”).

<sup>3</sup> See T-Mobile Comments at 2-3, 5-6; CTIA Comments at 3, 19 (“CTIA commends the Commission for its commitment to supporting response efforts during the 2017 hurricane season.”); SIA Comments at 3-4; City of Houston Comments at 3 (stating that the “FCC’s responses were excellent”); APCO Comments at 2-3; Neptuno Comments at 8 (commending the Commission “for its willingness to consider requests for special temporary authorizations on an expedited basis”); Comments of SES S.A. and O3B Limited at 3 (filed Jan. 22, 2018) (“SES and O3B Comments”); Viya Comments at 12-13.

<sup>4</sup> Verizon Comments at 10; *see also* Comments of Hughes Network Systems at 7 (filed Jan. 22, 2018) (“Hughes Comments”) (stating that, regarding authorizations, it “can attest to the agency’s timely and attentive responses to such requests”).

<sup>5</sup> T-Mobile Comments at 6.

<sup>6</sup> Verizon Comments at 8.

“when few other sources of reliable information were available.”<sup>7</sup> Further, the Commission maintained flexibility “to help provide consumers with a more complete suite of information regarding the communications services available and the timeline for restoration.”<sup>8</sup> Overall, Viya agrees with commenters that the Commission’s response was “thorough and measured” and “responsive to service providers’ needs and sensitive to their strained resources.”<sup>9</sup> These efforts continue, as the Commission announced today that Chairman Pai and members of the Commission’s Hurricane Recovery Task Force will be visiting the USVI in the coming weeks.<sup>10</sup>

### **III. COMMENTERS AGREE THAT THERE ARE FURTHER ACTIONS THAT THE COMMISSION CAN TAKE TO BENEFIT FUTURE DISASTER RECOVERY AND MITIGATION EFFORTS**

Several commenters agreed with Viya that there are additional actions that the Commission could take to improve disaster recovery and mitigation efforts in the future. Like Viya, these commenters concluded that there are further steps the Commission can take to facilitate carriers’ ability to effectively prepare for future calamities and rapidly and efficiently restore their network in the aftermath of such disasters. Specifically, as set forth below, the Commission should make additional funding available for hardening networks; maintain flexibility with respect to the operation of DIRS; champion the improved prioritization of communications infrastructure restoration after disasters; and serve as an intergovernmental coordinator with respect to first responder and disaster recovery communications issues.

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<sup>7</sup> Neptuno Comments at 8.

<sup>8</sup> CTIA Comments at 19.

<sup>9</sup> Verizon Comments at 7.

<sup>10</sup> *FCC Chairman Announces Visit to Puerto Rico & U.S. Virgin Islands in March*, Public Notice (rel. Feb. 21, 2018), available at [https://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2018/db0221/DOC-349352A1.pdf](https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0221/DOC-349352A1.pdf).

**A. Additional Funding is Needed for Disaster Recovery and to Harden Network Facilities in Disaster-Prone Insular Areas.**

Commenters echoed Viya's assertion that the Commission should establish a funding mechanism for disaster recovery and should help harden networks and promote network resiliency.<sup>11</sup> Both of these concepts warrant further consideration.

First, as suggested by Public Knowledge, "[T]he Commission should consider whether a permanent fund would be useful so that carriers and their customers can reliably count on funds being available rather than require the FCC to evaluate whether to make an appropriation on a case-by-case basis."<sup>12</sup> Viya agrees with this proposal. In small, remote, and less affluent markets such as the USVI, the cost of restoration following a disaster can be prohibitive, and the local economy is not able to support such costs. Under these circumstances, it is fully consistent with the Commission's statutory mission for it to provide financial support to carriers to assist with their recovery efforts.<sup>13</sup>

By establishing an institutional post-disaster fund and rapid funding mechanism in advance, the Commission can largely avoid the delay entailed in a case-by-case evaluation of *ad hoc* post-disaster petitions and also avoid burdening its and affected carriers' already stretched

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<sup>11</sup> See Hughes Comments at 6 (noting the "lack of funding" to "increase communications network resiliency"); *id.* at 9 ("This is where the government should step in to help support ongoing network resiliency. By failing to make adequate funding available to support communications for critical infrastructure, the long term effect is often greater costs, including loss of human life."); *see also* Viya Comments at 15-18.

<sup>12</sup> Comments of Public Knowledge at 8 (filed Jan. 22, 2018) ("Public Knowledge Comments"). Other Public Knowledge proposals, however, go too far by imposing obligations that would result in undue and unnecessary burdens. *See infra* Section III.F.

<sup>13</sup> See 47 U.S.C. § 151 (charging the Commission with "ensur[ing] the availability of a 'Nation-wide, and world-wide wire and radio communication service with adequate facilities ... for the purpose of the national defense ... [and] for the purpose of promoting safety of life and property'" (emphasis added)).

resources. The speed at which the Commission can offer post-disaster financial assistance directly affects how quickly connectivity can be restored to local businesses and the public and also maximizes the value derived from the funding. Moreover, it is a challenge for the Commission and affected carriers to identify resources to prepare or review *ad hoc* petitions during the critical, initial response period following a disaster.

Second, the Commission should consider making funds available to carriers for hardening their networks<sup>14</sup> in markets like the USVI that are prone to natural disasters but are sufficiently small, remote, and non-affluent to make such hardening uneconomical.<sup>15</sup> For example, the USVI market simply will not support the high cost of undergrounding cables, deploying steel and concrete poles, fortifying wireless towers, ensuring robust and redundant backhaul, and maintaining an extensive network of generators. These steps all may be cost-effective over the long term due to the frequency of hurricanes and earthquakes in the USVI, but they cannot be accomplished while maintaining affordable service. Just as the Commission provides subsidies to high-cost areas to encourage broadband deployment,<sup>16</sup> the Commission should establish funding – whether as a separate mechanism or as a permissible use of USF funds – for network resiliency efforts in small and insular high-cost markets.

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<sup>14</sup> See, e.g., Public Knowledge Comments at 7 (“[T]he damage caused by Hurricane Maria is unprecedented and will require additional funds and resources to restore.”).

<sup>15</sup> As Viya stated in its initial comments, the market in the USVI is particularly challenging for many geographic and economic reasons even in the best of circumstances. The USVI is prone to natural disasters, including hurricanes and earthquakes. The effects of these natural disasters are further exacerbated by the poor economic situation in the USVI. The majority of residents live in financial distress, and the USVI government, which is the single largest employer in the Territory, also has experienced significant difficulties in recent years. See generally Viya Comments at 3-5.

<sup>16</sup> See *Connect America Fund; High-Cost Universal Service Support*, Report and Order, 29 FCC Rcd 3964, 4028-29 ¶¶ 150-54 (2014) (stating that non-contiguous carriers face “unique costs and circumstances”).



**B. The Commission Should Maintain Its Flexible Approach With Respect to DIRS Reporting.**

There is broad agreement that DIRS is best used to identify general operational trends over time rather than to provide an accurate snapshot of conditions on the ground at any specific moment.<sup>17</sup> Accordingly, the Commission should resist calls to morph DIRS into a highly granular and cumbersome data reporting obligation intended to provide real-time analysis of the actual status of individual facilities. Instead, the Commission should maintain the practical and flexible approach it used to administer the DIRS program since the hurricanes.

Generally tracking Viya's own recommendations, the record in this proceeding details various reasons why imposing a strict reporting requirement in this context would be unhelpful.<sup>18</sup> Importantly, providing accurate and timely, granular data as part of DIRS reporting may not be possible in a disaster scenario due to the administrative burden entailed in doing so. Any heightened DIRS reporting requirement would require scarce resources to be redirected in a manner that would slow the restoration of damaged networks, which could, in turn, hamper first responders' ability to save lives. This is especially problematic for small carriers with limited resources and/or whose operational footprint is primarily within the area most impacted by the catastrophe.<sup>19</sup>

In addition, the situation on the ground changes hour-to-hour in the aftermath of a large-scale catastrophe. As a result, granular data that is collected by carriers, reported to the Commission, compiled and anonymized by the Commission staff, and published as part of the

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<sup>17</sup> *See, e.g.*, CTIA Comments at 18; APCO Comments at 3; T-Mobile Comments at 13; *see also* Viya Comments at 19-20.

<sup>18</sup> Viya Comments at 18-21.

<sup>19</sup> *See, e.g.*, Comments by Puerto Rico Telecommunications Regulatory Board at 9 (filed Jan. 22, 2018) ("Puerto Rico Telecommunications Regulatory Board Comments").

Commission's daily releases will never be fully accurate by the time that it is publicly disclosed. This undercuts the value that might otherwise accrue from a granular reporting requirement.<sup>20</sup>

The analysis conducted by Spectrum Financial Partners and described in its comments underscores the limited utility of DIRS (or any other reasonably conceivable reporting regime) due to the fluidity of circumstances in the wake of a disaster, as well as the inherent challenges of collecting granular and accurate data in the aftermath of a disaster, reconciling it with other available information, and reporting it in a timely manner.<sup>21</sup> Similarly, merely characterizing a facility as “up” or “down,” as DIRS does, masks important information about the present condition of the facility. A facility could be “up” but unstable, operating at partial capacity, and powered by a generator that is running out of fuel. For these reasons, Spectrum Financial Partners concluded that it simply is not realistic to think that DIRS or any other reporting regime can provide a complete picture of circumstances on the ground after a disaster.<sup>22</sup>

In light of the foregoing, and as numerous parties agree,<sup>23</sup> the Commission should continue to grant carriers maximum flexibility regarding DIRS reporting requirements and should maintain the voluntary nature of DIRS. The Commission should resist any pressure to

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<sup>20</sup> Viya Comments at 19-20.

<sup>21</sup> *See generally* Spectrum Financial Comments at 4-6. For example, Spectrum Financial's analysis noted that the number of cell sites served based on DIRS data appeared to jump from county to county even while the total remained unchanged. *Id.* at 3-4. It speculated that such changes resulted from the voluntary nature of DIRS, noting that because DIRS reports rely on “voluntarily submitted reports by impacted network operators,” from day to day they “may lack input from one operator or another and the consistency and perhaps the quality of the data may be variable.” *Id.* Despite this, Spectrum Financial did not propose to change the voluntary and flexible nature of the DIRS reporting procedures.

<sup>22</sup> *See generally* Spectrum Financial Comments (explaining the complex nature of measuring restoration efforts immediately following a disaster).

<sup>23</sup> *See, e.g.,* CTIA Comments at 3; Comments of Comcast at 3, 12 (filed Jan. 22, 2018) (“Comcast Comments”); T-Mobile Comments at 19-20.

require carriers to file specific, detailed information – either as part of DIRS or separately and directly to other agencies.

Further, the Commission should refrain from adopting detailed new carrier filing requirements aimed at creating a national database of the locations and types of carrier facilities. Carriers, of course, maintain detailed data about their network facilities in the normal course of business, and they will provide it to regulators as warranted – for instance, pursuant to the U.S. Emergency Planning Community Right-to-Know Act of 1986. But the Commission should not adopt Public Knowledge’s proposal to supplement DIRS by “requiring carriers to disclose conditions of cell towers to local consumers before a disaster hits” to help consumers “plan ... for any expected outages.”<sup>24</sup> The provision of such information to the public raises serious national security and confidentiality concerns. Indeed, wireless facilities often house valuable assets, ranging from computer and electronic equipment to fuel to copper wire. Disclosing information about where carriers’ facilities are located and what equipment they contain would increase the risk of cyber and physical attacks, vandalism, and theft – any of which would result in significant consumer harm in the form of disruption to communications services, increased costs, or worse. For this reason, DIRS filings are “treated as presumptively confidential” for “national security and/or commercial reasons.”<sup>25</sup> Backtracking on that approach in this inquiry or any other would eschew the lessons to be drawn from the recent hurricanes.

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<sup>24</sup> Public Knowledge Comments at 8-9.

<sup>25</sup> *The FCC’s Public Safety & Homeland Security Bureau Launches Disaster Information Reporting System (DIRS)*, Public Notice, 22 FCC Rcd 16757, at 2 (PSHSB 2007). Other agencies concur. See, e.g., Critical Infrastructure Information Act of 2002, 6 C.F.R. § 29.1 *et seq.* (Department of Homeland Security’s Protected Critical Infrastructure Information Program).

**C. Commenters Agree That Additional Priority Should Be Given to Communications Restoration Efforts.**

The record shows that communications capability is a key lynch pin on which other recovery efforts rely.<sup>26</sup> Yet, as Viya explained in its comments, in contrast to the Commission's commendable efforts as recounted above, other parties and governmental actors involved in the recent recovery efforts did not sufficiently prioritize communications needs.<sup>27</sup> Other comments corroborated Viya's perspective that, too often, telecommunications restoration efforts were undermined in the USVI and elsewhere by a persistent pattern of being subordinated to the recovery efforts of other sectors.<sup>28</sup>

Viya thus reiterates its request that the Commission address with other governmental stakeholders the development of a more systematic priority for the restoration of basic communications capabilities and critical communications infrastructure during the crucial initial stages of recovery and in an appropriately balanced manner continually thereafter.

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<sup>26</sup> See, e.g., Comcast Comments at 14.

<sup>27</sup> Viya Comments at 21-24.

<sup>28</sup> See, e.g., Neptuno Comments at 5-6 (“[D]uring a time when the government was pressing the telecommunications industry to reestablish telecommunications service and the people of Puerto Rico were rightfully demanding the ability to communicate reliably, Neptuno and others could not access many of their sites and the local government did not treat the industry’s request for assistance as a top infrastructure recovery priority. Precious days were lost on the recovery effort as a result.”); Comcast Comments at 14 (“In Miami, for example, despite the best efforts of all parties to coordinate during the disaster, communications providers such as Comcast were not automatically placed on the ‘priority list’ to obtain emergency fuel or have commercial power restored to hub facilities by the local power company. This miscommunication made it more difficult for Comcast to refuel the generators needed to keep its facilities running until commercial power was restored.”); Comments of the Virgin Islands Public Broadcasting System at 4 (filed Jan. 22, 2018) (“VIPBS Comments”) (requesting that the Commission “encourage power and telecommunications companies and local governments to accord higher priority to restoration of power and Internet services broadcast stations, and particularly radio stations, even when their facilities are in isolated areas”).

**D. Commenters Agree That Increased Interagency Coordination, Led by the Commission, Would Enhance Disaster Recovery Efforts.**

In its initial comments, Viya explained that interagency coordination is an indispensable component of emergency response, particularly where a disaster implicates the concurrent functions and jurisdictions of multiple agencies at the federal and local levels.<sup>29</sup> Viya would support the Commission asserting a more active leadership role among peer agencies at both the federal, state, and Territorial levels in connection with disaster recovery matters.<sup>30</sup> Other commenters likewise acknowledge that increased coordination would improve disaster recovery and that the Commission, as the expert agency in this area, should maintain at least an informal role coordinating intergovernmental activities in connection with the restoration of communications facilities following disasters.<sup>31</sup> Indeed, Viya has recommended that the Commission seek opportunities to embed Commission representatives directly with first responder teams on an emergency basis.<sup>32</sup>

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<sup>29</sup> Viya Comments at 24; *see also* Comments of Charter Communications at 3-4 (filed Jan. 22, 2018) (“Charter Comments”) (“Coordination with federal, state, and local partners was important to Charter’s response efforts.”); APCO Comments at 3-4 (“The federal agencies involved with a response should explore additional ways to coordinate their efforts, including with regard to information sharing.”).

<sup>30</sup> Viya Comments at 24-25.

<sup>31</sup> *See, e.g.*, Puerto Rico Telecommunications Regulatory Board Comments at 4 (stating that “a regional office of the FCC is needed in Puerto Rico for more efficient support and coordination of all response efforts in an emergency”); APCO Comments at 3-4 (“Where possible, increased coordination among federal agencies, especially concerning messaging to state, local, and territorial authorities and responders, would help avoid confusion and duplicative efforts. The federal agencies involved with a response should explore additional ways to coordinate their efforts, including with regard to information sharing.”); Charter Comments at 4-5 (“One lesson learned from Charter’s Irma and Harvey recovery efforts is that even closer coordination with public and private partners may be beneficial.”).

<sup>32</sup> *See* Viya Comments at 25 n.50.

**E. The Commission Should Emphasize and Focus Attention on the Readiness of PSAPs.**

Just as adequate communications are a lynch pin in disaster recovery efforts, it is crucial to the public's welfare for PSAPs to be fully effective following a large-scale catastrophe. Much of the benefit of hardening networks and rapidly restoring them after a catastrophe are lost if PSAPs are knocked out or severely degraded by the catastrophe. The recent hurricanes, in particular, demonstrated that more attention should be paid to the readiness of PSAPs.<sup>33</sup> For example, USVI PSAP operators have explained that, following Hurricane Maria, the lines connecting calls into PSAP centers were damaged and the call centers themselves sustained damage.<sup>34</sup>

For these reasons, Viya agrees with APCO that it is important for the Commission to further evaluate PSAP operations as part of this proceeding:

Some PSAPs experienced issues with transferring 9-1-1 calls and related incident information, in the event that the PSAP was unable to receive the call due to outages or high call volume. Understanding the technical and policy impediments to these interoperability features is essential. Any limitations of existing

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<sup>33</sup> See, e.g., Hughes Comments at 7-8 (“One of the common storylines during the 2017 hurricane season, and which is frequently raised during times of emergency, was the inability of victims to reach emergency personnel through 9-1-1. The inability to reach emergency relief personnel through traditional means, such as 9-1-1 and public safety answering points (PSAPs) networks forced victims to desperately search for alternative means of calling attention to their situations.”); Verizon Comments at 12 (“[T]he storm forced a number of PSAPs to temporarily cease operations, showing the importance of establishing alternate routing arrangements where possible and, in the longer term, the potential benefit of more nimble IP-enabled NG911 networks.”).

<sup>34</sup> See NG911 Institute Lunch and Learn, *When Disaster Strikes – The Critical Role of 9-1-1 During Major Disasters* (Jan. 17, 2018), <http://www.ng911institute.org/when-disaster-strikes> (“The St. Croix 9-1-1 Call Center has been reported as completely down. FEMA has reported significant damage to the building. The St. Thomas 9-1-1 Call Center is unable to retrieve Phase I and Phase II location information for wireless callers and ANI/ALI for VoIP Callers.”).

systems should be remedied as PSAPs across the nation transition to Next Generation 9-1-1.<sup>35</sup>

Viya encourages the Commission to follow its recent evaluation of PSAP funding mechanisms<sup>36</sup> with a more searching examination of PSAP readiness, including such issues as training provided to operators, internal procedures, use of technology, and connectivity.

**F. The Commission Should Refrain from Adopting More Regulations That Would Burden Carriers During Times of Crisis.**

Viya believes that Public Knowledge's proposed response to the hurricanes – the promulgation of more regulations – is unwarranted. The Commission should avoid adopting more regulations and instead focus on flexibility and coordination.<sup>37</sup> As Viya explained in its initial comments, placing additional regulatory burdens on carriers during a time of emergency only would further strain their already stretched resources.<sup>38</sup> And certain of Public Knowledge's proposed requirements are sufficiently burdensome that they would strain carrier resources even during the normal course of business.

First, the Commission should reject Public Knowledge's proposal that each carrier establish a formal emergency plan. Carriers that operate in challenging markets, such as Viya, have emergency plans in place. Adopting these plans is a sound business practice and typical in markets like the USVI. But it is impossible and impractical to plan for all scenarios, such as the

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<sup>35</sup> APCO Comments at 5.

<sup>36</sup> Ninth Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges for the Period January 1, 2016 to December 31, 2016, Federal Communications Commission (Dec. 29, 2017), available at <https://www.fcc.gov/files/9thannual911feereportpdf>. Among other things, the Commission addressed in the foregoing report whether and to what extent 911 funds have been diverted from their original purpose, which could undermine PSAP readiness.

<sup>37</sup> See CTIA Comments at 22; *see also* Viya Comments at 19-20.

<sup>38</sup> Viya Comments at 19.

record-breaking back-to-back Category 5 hurricanes that the USVI experienced in September 2017. Viya's experience in the aftermath of these storms demonstrated that it would be harmful to require carriers to attempt to anticipate all possibilities and to adhere to some sort of preconceived plan instead of reacting flexibly as circumstances evolve. Moreover, any mandate to establish an emergency plan would be based on an imagined, generic emergency situation, which is impractical and unrealistic. In fact, every disaster is different and presents unique challenges. As a result, the appropriate response to each is very fact-specific, and each must be addressed in an individualized manner. Carriers should not have their hands tied by any sort of requirement that they establish and implement a pre-developed, generic disaster plan. Rather, a framework for intercarrier collaboration has proven to be far more helpful. Indeed, many of the successes of the 2017 hurricane season were a result of the Wireless Resiliency Cooperative Framework.<sup>39</sup> As commenters recognized, the success of that Framework can be attributed to its flexibility – each carrier was able to tailor its efforts to the challenges presented.<sup>40</sup>

Second, as set forth above, Public Knowledge's proposal that the Commission require carriers to disclose the conditions of cell towers (*e.g.*, presence/type of backup facilities, fuel type, backhaul technology, etc.) to local consumers before a disaster hits would provide little to no benefit to consumers while jeopardizing the safety and security of each carrier's network.<sup>41</sup> Publicizing the weaknesses of a network, or even the extant strong points, would make it more susceptible to, and essentially provide a roadmap for, attacks by bad actors.

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<sup>39</sup> See CTIA Comments at 10; Verizon Comments at 19-20.

<sup>40</sup> CTIA Comments at 10; Verizon Comments at 19-20; *see also* T-Mobile Comments at 3, 7.

<sup>41</sup> Public Knowledge Comments at 8; *see infra* Section III.B.



Third, Public Knowledge's proposal that the Commission adopt new and additional back-up power guidelines<sup>42</sup> would impractically shift the responsibility of power outages to carriers. Rather than adopting additional burdensome requirements for carriers, the Commission should consider encouraging other federal and local government entities to address these issues with power authorities.<sup>43</sup>

Fourth, the Commission should reject Public Knowledge's request that the Commission adopt a means to measure the adequacy of recovery efforts after a natural disaster,<sup>44</sup> and rank the response time and resiliency of carriers following a disaster.<sup>45</sup> Carriers already have every incentive to restore service as quickly as possible, without any need for a static regulatory requirement compelling them to do so. Indeed, carriers' sole priority in the aftermath of a major disaster is the rapid and effective restoration of connectivity and service for affected residents. The pursuit of that objective necessarily is tied to carrier-specific considerations such as available personnel and financial resources – factors that the Commission has no way of adequately evaluating. Carriers should not be forced to orient their recovery resources around Commission-imposed metrics, which likely will not accurately reflect the experiences of the public facing the disaster. In addition, carriers should not have to consider how their efforts may be ranked after the disaster and whether such rankings will affect their competitive standing. Rather than dwell on this proposal from Public Knowledge, the Commission should focus on funding measures as discussed above, which Public Knowledge appears to support and which

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<sup>42</sup> Public Knowledge Comments at 7.

<sup>43</sup> See T-Mobile Comments at 9.

<sup>44</sup> Public Knowledge Comments at 9.

<sup>45</sup> *Id.*

offer the best and most effective means toward improving the speed and resilience of recovery efforts.<sup>46</sup>

Finally, the Commission should also reject Public Knowledge’s request for the reinstatement of more stringent and unnecessary copper retirement and service discontinuance rules.<sup>47</sup> Reinstating these rules would force carriers to freeze their networks’ technology in place by maintaining copper, even though the marketplace – in the U.S. and around the world – is advancing beyond copper.<sup>48</sup> Furthermore, carriers already have sufficient incentives to maintain and restore service to customers. And as the Commission recognized in its wireline infrastructure proceeding, the prior rules, now repealed, increased the burden on carriers with no corresponding benefit.<sup>49</sup> The Commission then acknowledged that the Communications Act provides carriers the “authority to design their networks and choose their own architecture” provided that quality of service is not impaired.<sup>50</sup> The Commission already has determined that consumers are adequately protected by the existing rules. It already effectively has rejected more stringent rules, as suggested by Public Knowledge, because their burden would outweigh any benefits.

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<sup>46</sup> See *supra* Section III.A.

<sup>47</sup> Public Knowledge Comments at 10.

<sup>48</sup> *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, 32 FCC Rcd 11128, 11129 ¶ 1 (2017) (stating that “consumers are increasingly moving away from traditional telephone services provided over copper wires and towards next-generation technologies using a variety of transmission means”).

<sup>49</sup> *Id.* at 11137 ¶¶ 22-23, 11143 ¶ 37 (2017) (stating that through the rule changes, the Commission aims to “eliminate unnecessary and costly regulations governing network change”).

<sup>50</sup> *Id.* at 11144 ¶ 39 (citing 47 U.S.C. §§ 214(a), 251(c)(5)).

#### IV. CONCLUSION

Based on the record in this proceeding, the Commission should further consider the recommendations discussed above. Viya appreciates the opportunity to participate in the Commission's evaluation and looks forward to working together with the Commission to continue to improve the disaster response and recovery process for the benefit of all Americans.

Respectfully submitted,

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